

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

RECEIVED

In the Matter of)

Amendment of Section 73.202(b))

Table of Allotments)

FM Broadcast Stations)

(Ketchum, Idaho))

MB Docket No. 02-14

RM - 10358

RM - 10764

SEP 10 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Marlene H. Dortch, Office of the Secretary
 Attn: Chief, Audio Division
 Media Bureau

REPLY COMMENTS

1 Millcreek Broadcasting, L.L.C. ("Millcreek"), licensee of Station KUUU(FM), Tooele, Utah, by its counsel, and pursuant to the Commission's *Public Notice*, Report No. 2622 (Aug. 26, 2003), hereby files its reply comments in the above-captioned proceeding. The Public Notice accepted for filing Millcreek's counterproposal in this proceeding proposing, inter alia, to change the channel of Station KUUU, Tooele, Utah from Channel 221C3 to 223C2 and relocate the station from Tooele to South Jordan, Utah. Certain new developments have occurred since Millcreek filed its counterproposal on March 18, 2003 which simplify the counterproposal without adding any new communities. To the extent required, any alternate channel substitutions can be introduced into this proceeding after the deadline for counterproposals because they do not involve a new community. *See Pinewood, South Carolina*, 5 FCC Rcd 7609 (1990).

2. First, Millcreek had originally proposed, with the consent of the affected licensees, to (i) substitute Channel 275C0 for Channel 223C at Rupert, Idaho and modify the license of Station KKMV accordingly; and (ii) substitute Channel 224C1 for Channel 275C1 at Jerome, Idaho, and modify the license of Station KVMX accordingly. Millcreek now proposes to simplify the counterproposal by (i) substituting Channel 291C0 for Channel 223C at Rupert, Idaho; and (ii) making no changes at Jerome, Idaho.

No. of Copies rec'd 044
 List ABCDE

3 Channel 291C0 can be allotted to Rupert at KKMV's current transmitter site consistent with Section 73.207 of the Commission's Rules. *See* Exhibit 1. No further spectrum changes are necessary in order to make this change. Millcreek has entered into an agreement with the licensee of KKMV pursuant to which the licensee has agreed to make the change in exchange for reimbursement. Millcreek hereby restates that it will reimburse the licensee for its expenses in changing channel and class. The licensee's statement of consent is attached. *See* Exhibit 2.

4. Because Channel 291C0 at Rupert does not conflict with the current operation of Station KVMX, Jerome, Idaho on channel 275C1, it is no longer necessary to make a change to that station. Although the licensee of KVMX had originally consented to a channel substitution, it has since agreed to remain on its current channel. *See* Exhibit 2. Furthermore, this removes the conflict with the petition for rule making to allot Channel 224A to Ketchum, Idaho (the conflict arose because of the originally proposed Channel 224C1 at Jerome, which is no longer necessary). Accordingly, the petitioner's interest in a second local service at Ketchum can be satisfied and Millcreek's counterproposal, as amended, can be granted together, without conflict.

5. The second simplification involves the pending petition for rule making of Sierra Grande Broadcasting to allot Channel 276C to Salina, Utah in MB Docket No. 02-166. A portion of Millcreek's counterproposal conflicted with (and was timely filed to) the proposed Channel 276C allotment at Salina. Millcreek originally proposed to substitute Channel 300C at Salina in place of Channel 276C, but the Salina petitioner objected to this substitution. On May 7, 2002, Millcreek proposed to allot Channel 233C at Salina in place of Channel 276C, and filed pleadings advocating that substitution in both this proceeding and the Salina proceeding. On June 5, 2003, Sierra Grande, by letter filed in MB Docket Nos. 02-14, 02-166, and 02-331,

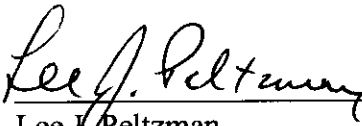
accepted the proposed allotment of Channel 233C at Salina. Accordingly, this conflict has been eliminated.

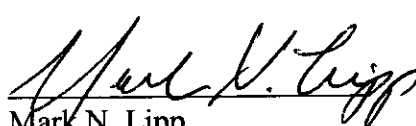
6. Channel 233C can be allotted to Salina with no further changes to the FM Table of Allotments, as Millcreek demonstrated in its May 7, 2003 supplement in this proceeding. Accordingly, there is no longer any need to modify the vacant allotment of Channel 300C2 to Channel 272C2 at Parowan, Utah as originally proposed. This also removes any possible conflict between this proceeding and MB Docket No. 02-331 (Milford, Utah), in which a counterproposal has been filed that was mutually exclusive with the use of Channel 272C2 at Parowan.

7. The Commission should grant Millcreek's counterproposal as amended herein. With the changes set forth above, the conflict with the petition in this proceeding has been removed, and the proposals can be processed without comparison to any other proceeding before the Commission.

Respectfully submitted,

MILLCREEK BROADCASTING, L.L.C.

By:  *by HNL*
Lee J. Peltzman
Shainis & Peltzman, Chartered
1850 M Street, NW
Suite 240
Washington, DC 20036
(202) 293-0011

By: 
Mark N. Lipp
J. Thomas Nolan
Vinson & Elkins, LLP
1455 Pennsylvania Avenue, NW
Suite 600
Washington, DC 20004-1008
(202) 639-6500

Co-Counsel

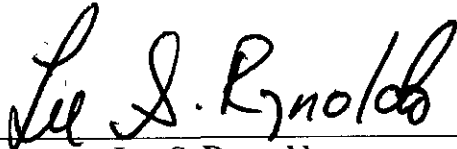
September 10, 2003

EXHIBIT 1

Engineering Narrative

The engineering exhibits shown here are for the new allocation coordinates for channel 291C0 at Rupert, Idaho for KKMV. Shown here is an allocation study for channel 291C0. This study shows that no spectrum modifications are needed to change KKMV to this channel.

The other exhibit is a gain/loss study map (assuming KKMV is at its currently facility and the proposed is a maximum class C0). This map shows a considerable population and area gain (a net population increase of 18,444 persons and a net area increase of 314 square kilometers).

A handwritten signature in black ink, reading "Lee S. Reynolds". The signature is written in a cursive style with a horizontal line underneath it.

Lee S. Reynolds

Reynolds Technical Associates
12585 Old Highway 280 East
Suite 102
Chelsea, Alabama 35043
205.618.2020

REFERENCE	CLASS = C0	DISPLAY DATES
42 23 40 N		DATA 09-10-03
113 42 05 W	Current Spacings	SEARCH 09-10-03
----- Channel 291 - 106.1 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin		
KBJX	LIC	292C1	Shelley	ID	195.52	48.6	196.0	-0.48
KOTB.A	APP	291C	Evanston	WY	280.54	125.7	281.0	-0.46
KOTB.A	APP	291C	Evanston	WY	280.54	125.7	281.0	-0.46
ALLO	VAC	290C1	Thayne	WY	196.20	76.8	196.0	0.20
ALLO	VAC	294C	Hailey	ID	115.76	339.3	105.0	10.76
KCIX	LIC	290C	Garden City	ID	246.86	308.7	220.0	26.86
KOTB	LIC	291C3	Evanston	WY	259.16	115.7	226.0	33.16

Pop. Loss = 665

Pop. Gain - 19,109

Area Loss = 1584 sq. km.

Area Gain = 1898 sq km.

Gain/Loss Area Study

Gain Area

Pocatello

Twin Falls

Rupert

KKMV 291C0

KKMV

Loss Area

Scale 1:1,500,000

0 20 40 60 km

KKMV

BLH19941114KB

Latitude 42-20-03 N

Longitude 113-36-12 W

ERP 24 00 kW

Channel 223

Frequency 92.5 MHz

AMSL Height 2541.0 m

Elevation 2492.0 m

Horiz Pattern Omni

Vert Pattern No

Prop Model FCC

KKMV 291C0

Latitude 42-23-40 N

Longitude 113-42-05 W

ERP 100 00 kW

Channel 291C0

Frequency 106.1 MHz

AMSL Height 1995.82 m

Elevation 1395.82 m

Horiz Pattern Omni

Vert Pattern No

Prop Model FCC

EXHIBIT 2

**Station KMOVX
Jerome, Idaho**

Kart Broadcasting Co., Inc.. ("Kart"), licensee of Station KMOVX, Jerome, Idaho, hereby agrees to retain KMOVX's current channel 27.5C1. Tri-Market understands that this statement may be used in a filing with the Commission and hereby authorizes its use for that purpose.

I verify that this statement is true, complete, and correct to the best of my knowledge and belief and is made in good faith.

KART BROADCASTING CO., INC.

By: Allen D. Lee
Allen D. Lee, President

**Station KKMV
Rupert, Idaho**

Tri-Market Radio Broadcasters, Inc. ("Tri-Market"), licensee of Station KKMV, Rupert, Idaho, hereby agrees to have KKMV's channel and class changed from Channel 223C to Channel 291C0, and its transmitter site reference coordinates changed. Tri-Market will apply to implement the channel and class change should the Commission approve the amendment to the FM Table of Allotments. Tri-Market understands that this statement may be used in a filing with the Commission and hereby authorizes its use for that purpose.

I verify that this statement is true, complete, and correct to the best of my knowledge and belief and is made in good faith.

TRI-MARKET RADIO BROADCASTERS, INC.

By: Allen D. Lee
Allen D. Lee, President

CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Vinson & Elkins, do hereby certify that I have on this 10th day of September, 2003 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Reply Comments" to the following:

Walter A. Sanders, Jr.
Best Ski Country Radio
28 Union Creek Road
Tylertown, MS 39667
(Petitioner)

Moenkopi Communications, Inc.
P.O. Box 10
Provo, UT 84603
(Licensee of KTCE, Payson, UT)

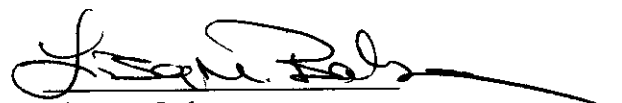
Tri-Market Radio Broadcasters, Inc.
144 Seminole Circle
Jerome, ID 83338
(Licensee of KKMV, Rupert, ID)

Kart Broadcasting Co., Inc.
144 Seminole Circle
Jerome, ID 83338
(Licensee of KMOV, Jerome, ID)

Willison H. Gormly
Sierra Grande Broadcasting
P.O. Box 51
Des Moines, NM 88418-0051
(Petitioner for Salina, Utah)

John Crigler, Esq.
Garvey Schubert & Barer
1000 Potomac Street, NW
5th Floor
Flour Mill Building
Washington, DC 20007
(Counsel to Community Wireless of
Park City, Inc.)

Stephen C. Simpson, Esq.
Law Office of Stephen C. Simpson
1090 Vermont Avenue, NW
Suite 800
Washington, DC 20005
(Counsel to George S. Flinn, Jr.)



Lisa M. Balzer